IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Contempt Petition No. 84 of 2006

Mahipal Singh S/o Late Sri Govind Singh, R/o Village Kaleti, Post Office Gurburani, Tehsil Didihat, District-Pithoragarh. ....Petitioner

Vs

1. Sri S.K.Dass, Principal Secretary, Forest Department Government of Uttaranchal, Dehradun.
2. Sri B.S. Bharatwal, Principal Chief Conservator of Forest Uttaranchal, Nainital Camp Office 87 Rajpur Road, Dehradun.
3. Sri Prakash Bhatnagar, Chief Conservator of Forest Kumaon Region, Nainital, Uttaranchal.
4. Sri Ram Goyal Verma, Divisional Forest Officer, Pithoragarh, Forest Division Pithoragarh, Uttaranchal.

..Respondents

Sri H.C. Bisht, learned counsel for the petitioner.
Sri Paresh Tripathi, learned brief holder for the respondents.

Hon'ble B.S. Verma, J.

Heard Sri H.C. Bisht, learned counsel for the petitioner and Sri Paresh Tripathi, learned brief holder for the respondents.

By means of this contempt petition, learned counsel for the petitioners has prayed to punish the respondents for flouting and disobeying the order and judgment dated 14-2-2006 in Writ Petition No.1078 (S/S) of 2005 Mahipal Singh Vs. State of Uttaranchal and others.

The grievance of the petitioner was that the petitioner had been appointed on daily wage by the order of the Court of consider the case of the petitioner for providing him appointment on compassionate grounds under Dying-in-Harness Rules 1974.

In compliance of the court's order dated 24-6-2007, the respondents have passed an order for appointment of the petitioner on minimum daily wages and directed him to complete all the formalities.

The petitioner had filed a second writ petition No.724 (S/S) of 2006 before this Court, which was dismissed by this Court on the ground that the grievance of the petitioner had already been considered by the respondents but the appointment was not given by the Department and asked him to complete all the formalities including production of succession certificate and others documents.

On the last date i.e. 2-8-2007, it was informed by the petitioner's counsel before this Court that the petitioner had already submitted all the documents.

The respondent No.4, Divisional Forest Officer, Pithoragarh was present before this Court on 2-8-2007 and he made a statement before this Court that the petitioner has already completed all formalities and he may join the office as may be convenient to the petitioner.

It was directed by this Court on 2-8-2007 that the petitioner may join his duties.

Learned counsel for the petitioner Sri H.C. Bisht, informed before this Court that the petitioner had already joined his duties but it is the partial compliance of the Court's order. He was appointed on the consolidated minimum pay of Rs. 2550/- while the undertaking was given to appoint the petitioner on regular basis.

I have perused the order of the Court, the order was to consider the petitioner on compassionate grounds under Dying-in-Harness Rules, 1974.

In the second writ petition No.724 (S/S) of 2006, which was dismissed by the learned Single Judge on 26-6-2007 with the observation that in pursuance of the letter No. 4804/28-3/dated24-6-2006, the petitioner has been provided appointment, the petitioner is directed to submit necessary documents which are required under Dying-in-Harness Rules, 1974.

It has been observed by the Court, since, the grievance of the petitioner has already been settled by the respondents and the writ petition has become infructuous and as such, is dismissed as infructuous.

Learned single Judge has already considered the appointment made by the respondents and the writ petition was dismissed as infructuous.

The petitioner did not challenge, the order of the single Judge by filing a Special Appeal and thus that order has become final.

Learned brief holder for the respondents made a statement that the order had already been complied with. Therefore, the contempt petition is liable to be dismissed.

Contempt petition is hereby dismissed. Notices issued against the respondents are hereby discharged.

All applications stands disposed of accordingly.

(B.S. Verma, J.)

Dated: - 20-8-2007
M.K.